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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,758	11/17/2003	Ahmedulla Khaishgi	1018-002US04	3346
28863 7590 04/03/2007 SHUMAKER & SIEFFERT, P. A. 1625 RADIO DRIVE SUITE 300 WOODBURY, MN 55125			EXAMINER BACKER, FIRMIN	
			ART UNIT 3621	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,758	<b>Applicant(s)</b> KHAISHGI ET AL.	
	<b>Examiner</b> FIRMN BACKER	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 55-64, 66-79, 81-87 and 156-177 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 55-64, 66-79, 81-87 and 156-177 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 3<sup>rd</sup>, 2007 has been entered.

### ***Amendment***

2. Applicant has amended claims 55, 57, 67, 74, 76, 83, 85 and 159, and cancelled claims 65 and 80, Applicant has also added claims 171-177. Claims 1-64, 66-79, 81-156 and 158-177 are pending, with claims 1-54 and 88-155 being withdrawn in response to a restriction requirement.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 55-64, 66-79, 81-87 and 156-177 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Han-Carlson et al (U.S. PG Pub No. 20040010463).

5. As per claim 55, Han-Carlson et al a method of communicating a commitment made by an online entity in an online marketplace to a selling practice, the commitment communicated to a potential buyer in the online marketplace, the method comprising: accepting the commitment by the online entity in the online marketplace to the selling practice prior to any interaction in the online marketplace between the online entity and the potential buyer monitoring compliance of the online entity with the commitment to the selling practices prior to any interaction in the online marketplace between the online entity and the potential when the entity fails to comply with the commitment to the selling practices automatically restricting display of the online entity as a result of a search engine and when the entity complies with the commitment to the selling practices delivering a media object to a device for presentment to the potential buyer the media object representative of the commitment and comprising an electronic seal of certification (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*)

6. As per claims 56-60, Han-Carlson et al teach a method wherein the selling practice comprises use of an online payment system and a buyer guarantee that is monetary, service delivery monetarily backed, provided by a third party (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

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7. As per claims 61, 62, Han-Carlson et al teach a method wherein the online entity selects a guarantee level with different prices to the online entity (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

8. As per claim 63, Han-Carlson et al teach a method wherein the delivering is optional with the online entity (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

9. As per claim 64, Han-Carlson et al teach a method wherein accepting the commitment comprises accepting the commitment online (*see paragraphs 0137, 0309, 0310, 0343*).

10. As per claim 66, Han-Carlson et al teach a method delivering a media object supplied by an system associated with an online marketplace (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

11. As per claim 67, Han-Carlson et al teach a method wherein the media object llnique to the online entity which is representative of the commitment is presented together with the media object supplied by the operator of the online marketplace (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

12. As per claim 68, Han-Carlson et al teach a method of allowing the user to request information regarding the commitment using the media object; and delivering information

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representative of the commitment to the user (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

13. As per claim 69-73, Han-Carlson et al teach a method wherein the allowing accomplishing by allowing the user to click on the media object to include a marketplace identification or a business name for the online entity, information specific to a program within an online marketplace, a particular sub-marketplace of the marketplace information for a specific result displayed through a search engine (*see paragraphs 0004, 0013, 0034, 0043, 0053, 0058, 0070, 0078, and claim 15, 16 and 62*).

14. As per claims 74-79, 81-87 and 156-177, they disclosed the same limitation as claims 55-64, 66-73 and are taught by the cited reference. Therefore they are rejected under the same rationale.

### ***Response to Arguments***

15. Applicant's arguments filed January 3<sup>rd</sup>, 2007 have been fully considered but they are not persuasive.

a. Applicant argues that the prior art fail to teach the invention as disclosed in the claims. Specifically, Applicant argues that the prior art fail to teach or suggest monitoring compliance of an online entity with such selling practices. Examiner's respectfully disagrees with Applicant's characterization of the art. Han-Carlson teaches a transaction

management system adapted for accepting a receipt of purchase acknowledgment including receipt characteristics. For example, characteristics such as total acceptance of goods, partial acceptance of goods and rejection of goods at the invoice or receipt line item level can be included in the acknowledgment. *This information can be required as being verified for ensuring compliance before payment for a transaction is executed.*

An invoice for a particular transaction can be updated with this and other transaction-fulfillment-related information. Using this approach, problems with received purchases, such as damaged goods, improper goods, etc., can be readily addressed. The various invoicing and payment-related characteristics are correspondingly modified. Han-Carlson further teach a system wherein *the business rules include compliance information that must be met before making the transaction payable, wherein the computer and communications node is further adapted to use the compliance information to authorize payment for the transaction.* Accordingly, the new added limitations in the claims are taught by the prior art.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMIN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
FIRMIN BACKER  
Primary Examiner  
Art Unit 3621

March 22, 2007